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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Situation of human rights in Cambodia

Report of the Secretary-General

Addendum

Role of the United Nations Centre for Human Rights in assisting the Government and people of Cambodia in the promotion and protection of human rights

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I. INTRODUCTION

1. In its resolution 48/154 of 20 December 1993, the General Assembly requested the Secretary-General to report to the Assembly at its forty-ninth session on the role of the Centre for Human Rights in assisting the Government and people of Cambodia in the promotion and protection of human rights and on any recommendations made by the Special Representative of the Secretary-General for human rights in Cambodia.

2. The recommendations of the Special Representative are described in the report of the Secretary-General on the situation of human rights in Cambodia (A/49/635). The present addendum to that report contains a description of the activities implemented in Cambodia by the Centre for Human Rights of the Secretariat in the period from February to July 1994, and an overview of the administrative and financial difficulties that have been encountered in the operation of the office of the Centre in Cambodia.

II. ACTIVITIES OF THE CENTRE FOR HUMAN RIGHTS IN CAMBODIA

A. Trust Fund for a Human Rights Education Programme in Cambodia

3. All activities to be implemented by the Centre for Human Rights in Cambodia are to be financed through extrabudgetary resources from voluntary contributions to the Trust Fund for a Human Rights Education Programme in Cambodia. Most recently, the Commission on Human Rights, in its resolution 1994/61 adopted at its fiftieth session, invited Governments and interested organizations to contribute to the Trust Fund.

4. On the basis of the mandate entrusted to it by the Commission on Human Rights and the General Assembly, the Centre for Human Rights elaborated a programme of activities to be implemented in Cambodia, which is described in detail in the report of the Special Representative of the Secretary-General for human rights in Cambodia to the Commission on Human Rights. ^{1/} The full text of the programme is available from the Centre for Human Rights at Geneva.

5. The programme of activities of the Centre focuses on assisting the Government of Cambodia in the following areas:

(a) Building institutions and legal structures for human rights and democracy;

(b) Securing a system for the administration of justice consistent with international standards;

(c) Strengthening of civil society, including through non-governmental organizations;

(d) Raising awareness of human rights and encouraging popular support for democratic reforms and institutions;

(e) Strengthening of human rights activities at the local and provincial levels.

6. An appeal for funding for the programme, in an amount of US\$ 2,869,000, through contributions to the Trust Fund for a Human Rights Education Programme in Cambodia was launched by the Assistant Secretary-General for Human Rights in November 1993.

7. Although the Trust Fund had been established by the United Nations Transitional Authority in Cambodia (UNTAC) during 1993 to provide additional funds for human rights activities in Cambodia, it was only possible for the Centre for Human Rights to avail itself of the resources available under the Fund in August 1994. Following the request of the Centre to the United Nations Controller, in September 1993, that the authority to manage the Fund be transferred to the Centre, the Controller, after having secured the agreement of the donors, designated the Centre as the implementing office for the Fund in February 1994. In May 1994, the Controller delegated the financial management of the Trust Fund to the Division of Administration of the United Nations Office at Geneva. Owing to additional delays in the clarification of the administrative and financial procedures for the use of the Trust Fund, it became operational only in August 1994.

8. As a result, in the period from October 1993 to August 1994, the Centre for Human Rights had to limit its activities to those within its programme and as recommended by the Special Representative of the Secretary-General for human rights in Cambodia, that could be implemented directly by the staff of its Cambodia office and at no cost. The Centre has sought to meet the numerous requests by the Government of Cambodia and non-governmental organizations to the best of its capacities. However, in many cases the lack of funds to finance human rights activities has meant that the contribution and involvement of the Centre in fields crucial to the development of a national framework respectful of human rights, such as legal and judicial reform and education, as well as training and public information activities, have been necessarily limited in their scope and impact, despite considerable achievements by the Centre while operating with limited resources. Also, many of the activities which the Centre had planned to implement to respond to the immediate human rights needs of the country had to be postponed until such time when Trust Fund resources were available, with the consequence that some of the original programmes will have to be reformulated in order to adjust to the changed situation. The delay in making the Trust Fund available to the Centre has also prevented the Centre from meeting in a timely manner its financial obligations vis-à-vis a number of Cambodian and international non-governmental organizations responsible for implementing human rights projects in the country.

9. At the time of the preparation of the present report, \$923,697 had been received in the Trust Fund, and \$250,000 had been pledged. The list of contributions to the Trust Fund is contained in annex I to the present report.

B. Activities implemented in the period from February to July 1994

10. The activities implemented in Cambodia by the Centre for Human Rights in the period from February to July 1994 are described below. They are grouped according to the components of the programme of advisory services and technical assistance of the Centre for Human Rights.

1. Legislative reform assistance

11. The Centre for Human Rights has carried out a number of activities to assist the Government of Cambodia in the creation of a legal framework consistent with international human rights standards and able to ensure the promotion and protection of human rights and democracy.

12. Assistance has been provided to the National Assembly in general and its Commission on Human Rights and Reception of Complaints in particular, as well as to relevant ministries, in drafting and/or providing comments on the following laws:

(a) Law on the establishment of the Supreme Council of Magistracy. The Centre for Human Rights submitted its comments on the draft law on Supreme Council of Magistracy to the Government of Cambodia and, at its request, to the Commission on Human Rights and Reception of Complaints of the National Assembly. Detailed consultations with the members of the Commission were held on the matter. Later, the Commission produced a new draft law, which was submitted to the National Assembly by several of its members. The Centre has also hosted and participated in several discussions on the law on the Supreme Council of Magistracy with members of the National Assembly, non-governmental organizations and other interested persons. The draft, which is based on the need to ensure independence of the judiciary in accordance with the Constitution of the Kingdom of Cambodia and international human rights instruments, is now being considered by the Government and the National Assembly together. The draft is expected to be taken up for consideration by the National Assembly soon;

(b) Press law. In accordance with the recommendation of the Special Representative of the Secretary-General for human rights in Cambodia, Justice Michael Kirby, contained in his report (E/CN.4/1994/73/Add.1) to the Commission on Human Rights, a seminar was held on 20 March 1994 on freedom of expression and the draft press law. Among others, the seminar was addressed by the Minister of Information, the Secretary of State for Information, the Chairperson of the Commission on Human Rights and Reception of Complaints of the National Assembly, and the Deputy Chairperson of the Commission on Legislation of the National Assembly. Subsequent to that meeting, the draft press law was extensively commented upon by the Centre for Human Rights at various stages, at the request of the Minister of Information. All the concerns voiced by the Centre have been incorporated in the draft law. The law has now been presented to the Council of Ministers for approval before being forwarded to the National Assembly. Several meetings were also held with the Khmer Journalists Association on the issues involved in the draft press law;

(c) Immigration law. The Centre for Human Rights provided detailed comments on the draft immigration law prepared by the Ministry of Interior. The Centre's work in this field has been coordinated closely with the Office of the United Nations High Commissioner for Refugees (UNHCR), which has also submitted several suggestions to the Government. Several discussions have also been held with officials of the Ministry of Interior, legal advisers to the Council of Ministers and the Ministry of Justice, members of the National Assembly, and non-governmental organizations. The Centre was also invited by the Commission on Interior of the National Assembly to attend official hearings on this issue. In addition, assistance was provided to non-governmental organizations for the adoption of a statement on the human rights and refugee aspects of immigration law to be sent to the Government. At the time of the preparation of the present report, the draft law was being considered by the National Assembly. As also noted by the Special Representative of the Secretary-General for human rights in Cambodia (see A/49/635, paras. 99 and 171), the draft law does not fully reflect the concerns expressed by the Centre and contains many provisions that appear to be or may result in violation of Cambodia's international human rights obligations. It is expected that a nationality law will be drafted by the Government. Advisory services and technical assistance will be provided by the Centre to ensure its conformity with international human rights standards;

(d) Law on the organization/management of land, urbanization and construction. The Centre for Human Rights also provided comments on the law on the organization/management of land, urbanization and construction, at the request of members of the National Assembly. This law was adopted by the National Assembly in May 1994. Prior to its adoption, several consultations were held with the members of the National Assembly on the human rights aspects of the law. The human rights concerns included forced eviction, and some aspects of the right to development relating to participation;

(e) Women's code. The Secretariat for Women's Affairs requested the assistance of the Centre for Human Rights in reviewing a draft Cambodian Women's Code, prepared by an expert from the United Nations Development Fund for Women (UNIFEM). Accordingly, weekly meetings have been held with the Secretariat staff, including the Secretary of State, on the overall objectives of the draft and strategies and mechanisms for review. At the Centre's suggestion, the Secretariat has established a review and lobbying committee. In addition, the draft code itself is being revised upon the advice of the Centre. Meetings have also been held with several non-governmental organizations and a representative of the United Nations Children's Fund (UNICEF) on the draft code. The Centre for Human Rights will continue to assist in the revision and preparation of the code, for eventual adoption by the National Assembly. At the suggestion of the Centre, the Secretariat has also agreed to prepare a set of policy guidelines to be issued by the Council of Ministers for all the ministries on issues that are relevant to women;

(f) Law on the Bar Association. A draft law on the Bar Association has been prepared by the Ministry of Justice. The Centre for Human Rights organized consultations with non-governmental organizations on the issues involved in this law. One of the concerns of the non-governmental organizations in this regard, especially of those involved in legal counselling, is whether they will be allowed to continue to work in the courts as defenders. Many defenders possess

some basic legal training acquired either in the border camps or from UNTAC. They fear that a new law on Bar Association establishing strict criteria for formal qualification of lawyers would exclude them from continuing to carry out their duties as defenders. The two consultations brought together virtually every local and international non-governmental organization working in this field in Cambodia. After these discussions, the non-governmental organizations prepared a common paper consisting of a list of their demands and submitted it to the Minister of Justice. In the meantime, discussions were also held by the Centre for Human Rights with senior officials of the Ministry of Justice on this issue. The draft law has not yet been presented to the Council of Ministers;

(g) Law on the outlawing of the "Democratic Kampuchea" group. This law, consisting of nine articles, was drafted several months ago, but was not introduced in the National Assembly because of the peace initiatives that were being made. It was finally introduced and passed during the first week of July 1994. The Centre for Human Rights provided advice on the human rights aspects of the law to some members of the National Assembly, at their request. The Centre has hosted consultations with non-governmental organizations on this law and its implications for human rights.

13. In addition, a number of other issues are being considered by the Centre for Human Rights in the area of legislative reform assistance.

14. The lack of a proper system of land tenure and the attendant social and political instability is one of the major human rights concerns in Cambodia. Any attempt to advocate reform in this area has to be based on a very deep understanding of the peculiar history of Cambodia, especially since the 1970s. So far, there is no comprehensive study on the legal, social and political basis of the issues concerning land in Cambodia. The Centre for Human Rights is conducting research on land management issues in order to acquire the information necessary to propose adequate reforms. It is expected that the Centre will be able to release a report on the reform of land law by the end of 1994. Briefings on the land issue were given to experts and delegates from the World Bank.

15. The Centre for Human Rights has also been provided with draft laws on the reorganization of the judiciary and the Statute of Judges prepared by the Ministry of Justice. The draft will be reviewed and discussions will be held with all interested persons. The Centre has also been requested by the Ministry of Justice to review the penal code, which is now being drafted. The code reportedly consists of over 500 articles defining offenses and, if passed, will replace the Provisions Relating to the Criminal Law and Procedure Applicable in Cambodia during the Transitional Period.

16. The Centre for Human Rights was invited to and attended a meeting with some members of the National Assembly on 28 June 1994 on a draft labour code.

2. Assistance in the development and strengthening of national institutions

17. In addition to the activities described above, the Centre for Human Rights has been providing advice and assistance to the Commission on Human Rights and Reception of Complaints of the National Assembly on a day-to-day basis on drafts of laws, Assembly procedure and strategies to improve the functioning of the Commission and the promotion and protection of human rights in the country. The Commission has been very active on a number of human rights issues. On the Commission's initiative, the Government has issued a circular to consult with non-governmental organizations on drafts of laws. This was one of the recommendations of the Special Representative of the Secretary-General for human rights in Cambodia in his report. ^{1/} On the recommendation of the Commission, the Government has agreed to separate female from male prisoners and to implement several other concrete suggestions in conformity with human rights. On the Commission's initiative, the Government has formed a National Children's Committee for protecting children's rights and a Juvenile Delinquent Centre. At the suggestion of the Centre for Human Rights, the Commission has also contacted several foreign legislative bodies dealing with human rights issues for assistance. The Commission was also involved in presenting the complaints received from the people to the royal audience presided over by King Norodom Sihanouk. The Centre has also urged the Commission to take a more active role in the protection of the rights of minorities in Cambodia, including the ethnic Vietnamese. The Centre is taking steps to create a greater awareness among the members of the Commission on these issues, and on the Commission's obligation to perform its mandated functions with impartiality and respect for Cambodia's international obligations.

18. A seminar on human rights for members and staff of the National Assembly, in cooperation with the Raoul Wallenberg Institute for Human Rights and Humanitarian Law, is being organized and is expected to be held during the next regular session of the National Assembly in 1994.

3. Administration of justice

19. The Centre for Human Rights has carried out a number of activities aimed at assisting Cambodia in establishing a system for the administration of justice consistent with international human rights standards.

20. The Appeal Court was inaugurated on 12 May 1994 (see A/49/635, para. 75). The establishment of the Appeal Court was one of the recommendations made by the Special Representative of the Secretary-General for human rights in Cambodia in his report. The Centre for Human Rights attended the inauguration ceremony, at the invitation of the Ministry of Justice. Nine judges and one prosecutor have been appointed. As a follow-up, the Centre organized, on 24 May 1994, a consultation with non-governmental organizations that are active in the field of legal representation. Issues relating to the appeal process and the mode of filing appeals, including bail applications, were discussed during the consultation.

Prisons

21. Since December 1993, the Centre for Human Rights has elaborated and implemented the prisons assistance programme. This programme has involved three elements:

(a) In the area of research, 10 per cent of prisoners in each of 12 prisons has been randomly surveyed. Half have been questioned about prison conditions and half medically examined. The American Refugee Committee and Physicians for Human Rights cooperated with the Centre for Human Rights in conducting the surveys;

(b) In training, a two-day training course was conducted in each prison for prison officers, local prosecutors and sometimes non-governmental organizations or officials;

(c) Action taken involved holding prison meetings with the Prison Director, local Police Commissioner or Assistant-Commissioner of Police and sometimes other officials. Recommendations for change and improvement were made in each case. As a result, shackles were removed in some prisons and prison rules were changed. In PJ prison in Phnom Penh, the prison population was reduced from over 200 to 46 prisoners.

22. This programme will culminate in September 1994 with the publication of a report on prisons by the Centre for Human Rights. Physicians for Human Rights will submit a report to the Centre. A seminar will be held in September to discuss reform of the prison system.

Gendarme training

23. Human rights training was integrated in the gendarme training organized by the French military cooperation programme through three seminars held on 25 and 30 March and 27 April 1994. Over 400 military police were introduced to basic human rights concepts during these courses.

Prosecutor training

24. Following requests from prosecutors attending the prison assistance programme, a meeting was arranged with senior officials of the Ministry of Justice and the Chief Prosecutor of the Appeals Court to discuss possible training avenues. It was agreed that a major training programme should be launched when the new criminal code was introduced but that, in the meantime, a small "clinical" programme may be of use. Such a programme will be prepared for further consideration by the ministries.

25. A three-day course on human rights law for a group of 30 trainee judges and prosecutors was held in August 1994.

26. Training for military and civilian prosecutors in human rights law, as well as a training programme for police, are being planned.

27. At the time of the preparation of the present report, the Centre for Human Rights was making arrangements to start implementation of a judicial mentor programme for provincial courts, in cooperation with other governmental and non-governmental organizations involved in assistance to the Cambodian judiciary.

28. The United Nations Centre for Human Rights has also been in touch with all the bilateral and multilateral organizations working in the field of administration of justice, legal and institutional reform, in order to coordinate aid efforts and maximize the impact on target areas. These include the World Bank, the United Nations Development Programme (UNDP), the United States Agency for International Development (USAID), the Asia Foundation and advisers provided by the Government of France.

4. Treaty reporting and international obligations: training of government officials

29. While the incorporation into domestic law of the provisions contained in the international instruments to which Cambodia is a party is being pursued through the assistance provided by the Centre for Human Rights in the drafting of legislation, specific assistance is being provided by the Centre to the Government to develop expertise in the preparation of reports to United Nations treaty bodies.

30. After several months of informal consultations and meetings, the Centre for Human Rights presented a one-day information seminar on Cambodia's international reporting obligations on 21 February 1994. The purposes of the seminar were to make participants aware of the conventions that Cambodia must report on, and of the international reporting process in general; to make participants generally aware of the Centre for Human Rights technical assistance programme and of UNICEF's programme regarding the Convention on the Rights of the Child; and to coordinate the formation of an inter-ministerial committee and set a date for the first meeting of such a committee.

31. A total of 18 senior officials from 10 different ministries attended the seminar. Topics included a description and overview of instruments requiring reports; the role and technical assistance programme of the Centre for Human Rights; UNICEF and the Convention on the Rights of the Child; purposes of reporting; preparation for reporting; drafting; and submission to treaty bodies and follow-up. The participants developed a concluding resolution, which called upon the Government to establish an inter-ministerial committee to oversee this work. A press release on the seminar for both the Khmer and the international press was prepared and circulated.

32. On 28 March 1994, the Government of Cambodia ordered the formation of such a committee chaired by the Minister of Justice. The Minister of Justice formally requested the Centre for Human Rights to assist the inter-ministerial committee in the definition of its structure and in commencing its work. The committee met for the first time on 13 May 1994. It is composed of 10 high-ranking officials from 10 ministries and will supervise the work of a permanent secretariat. The permanent secretariat is an organ comprising five members from

five ministries (Justice, Foreign, Social, Interior and Women's Affairs) and is the coordinator of the activities of the inter-ministerial committee and the six subcommissions that will write the reports relevant to the six conventions. To begin with, only two subcommissions are to be set up and will report on the Convention on the Rights of the Child and the International Covenant on Civil and Political Rights. Each subcommission has five members from various ministries.

33. As mentioned below (para. 53), the Centre for Human Rights publication Manual on human rights reporting has been translated into Khmer and a number of copies have been distributed to all inter-ministerial committee members.

5. Curriculum development and education for human rights, and training of teachers and curriculum developers

34. In collaboration with the Cambodian Institute of Human Rights, the Centre for Human Rights has supported the development of a human rights curriculum for grades 1 to 11 of the Cambodian school system (primary and secondary levels). The outline of the human rights curriculum was completed, officially adopted, and signed for nation-wide implementation by the Secretary of State for Education.

35. The whole curriculum is composed of two parallel programmes: the integrated programme and the active programme. The integrated programme is used daily, all through the school year, in various subjects, such as reading, storytelling, songs, poems, literature, science and role-playing. The active programme is moral and civic education which is conducted for 8 to 10 hours in each class during the year. The final product will be in the form of a teaching guidebook for teachers (or teacher's manual). Once completed, the manual will be distributed to the 80,000 schoolteachers in Cambodia.

36. A series of seminars will be conducted at the Law School of the University of Phnom Penh beginning in October 1994.

6. Support to non-governmental organizations and civil society

37. There are more than 30 local non-governmental organizations in Cambodia that engage in human rights work. All of these have been formed since late 1991. Of these, nine work exclusively in the human rights area. Several of these groups are mass membership groups with thousands of members and with offices in most provinces. Most are small, under-funded and dependent upon volunteer work. These non-governmental organizations do not limit their mandate to civil and political rights, but combine these with a concern for economic, social and cultural rights. Thus, some of these organizations are involved in small-scale development projects in addition to training, advocacy and monitoring.

38. The non-governmental organizations have been able to work collectively on particular projects. Ponleu Khmer is the most important of these groupings. Initially established to focus on the drafting of the Cambodian Constitution in

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1993, it continues to work on social and political issues. The Cambodian Human Rights Task Force, a coalition of international, regional and local non-governmental organizations, conducts training programmes, consultations and seminars; and facilitates networking and coordination of policy and action by local non-governmental organizations on specific human rights issues, such as the treatment of the Vietnamese minority. More recently, a collective of nine human rights groups called the Cambodian Human Rights Cooperation Committee has been formed to facilitate exchange of information and coordination of their activities. Six human rights non-governmental organizations have recently created a special committee, called the Action Committee, to investigate and monitor urgent human rights violations.

39. The Cambodian human rights non-governmental organizations have been active in campaigns on many human rights issues, including the situation of the ethnic Vietnamese, prisons, press freedom, and constitutional issues; the Government recently officially recognized their right to be consulted about new laws. They have attracted considerable international support, which is particularly needed to strengthen both their substantive and their operational capacity. Many have meagre budgets and difficulties in securing sustained funding, and lack rudimentary communication and office equipment and logistical capacity.

40. The activities of the Centre for Human Rights have been primarily focused on providing educational programmes, advice and consultative services to these groups. Much of the work in this area is informal, based on small group meetings often discussing day-to-day concerns and issues. The Centre has instituted weekly meetings with key human rights groups to discuss a range of issues (for example, information sharing, prison visits and recent legislation) and has held "special meetings" (for example, discussion of the law on the outlawing of the Democratic Kampuchea group).

41. Specific training activities for non-governmental organizations have included:

(a) Sociodrama. The Centre for Human Rights held a one-day seminar on the use of this dramatic presentation technique of human rights issues on 14 June 1994. It was attended by 18 non-governmental organization members;

(b) Khmer Institute for Democracy. A lecture on minority rights sponsored by this non-governmental organization was given to the Vietnamese Association on 12 July 1994;

(c) Cambodian Human Rights Trainer Organization. Lectures on the rights of the child and women's rights were given to Cambodian school directors and staff members of this non-governmental organization on 13 and 14 July 1994;

(d) Cambodian Human Rights and Development Association. A lecture on United Nations mechanisms for the protection of human rights was given to members of this non-governmental organization on 25 July 1994;

(e) A course for trainers from two local non-governmental organizations, Licadho and Vigilance, was organized to prepare them to train police in

protecting human rights. The training was conducted over seven days in February and June 1994.

42. Training sessions have been conducted with groups and individuals on an informal basis. Training for human rights non-governmental organizations in the areas of monitoring, investigation and report writing is also being planned.

43. In accordance with the mandate defined by the Commission on Human Rights and the General Assembly requesting the Centre for Human Rights to provide support to bona fide human rights groups in Cambodia, the Centre is also providing direct financial support to non-governmental organizations for the implementation of human rights projects. These include educational, training, legal counselling and networking activities. Non-governmental organization projects are financed, as the entire programme of activities of the Centre for Human Rights in Cambodia, under the Trust Fund for a Human Rights Education Programme in Cambodia.

7. Human rights and the media

44. A training session for the Khmer Journalists Association was organized on 13 June 1994 to discuss guarantees for freedom of expression, as contained in the Cambodian Constitution and in the relevant international instruments.

8. Information and documentation

45. The production, translation and distribution of information materials on human rights is an important aspect of the work of the Centre for Human Rights in Cambodia.

Inventory and distribution

46. In March 1994, a complete inventory and distribution plan for the supply of information materials of the Centre for Human Rights was made. The Centre distributed a total of 3,300 Khmer ABC guides for teachers, 5,200 large colour posters and 560 copies of the book Dream for Peace to provincial education officials from all 21 provinces during a conference in Phnom Penh for education officials. These materials will now go to teachers and schools in all provinces. Hundreds of posters were also given to five Phnom Penh high schools and five university campuses, as well as the Ministry of Education.

47. Human rights information materials have also been distributed to international non-governmental organizations, who will further distribute them to schools in the provinces. A special distribution of the human rights curriculum level "A" was made to non-governmental organizations involved in human rights training. Letters were sent to 50 non-governmental organizations offering the books, and more than 1,000 booklets have been distributed as a result.

48. On 24 March 1994, some 24,000 human rights posters, and 80 copies of Dream for Peace were delivered to UNICEF. These materials will be distributed to the

provinces through the Cambodian Women's Association networks that UNICEF works with.

49. The Khmer translations of the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Prevention and Punishment of the Crime of Genocide, the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention and Protocol relating to the Status of Refugees have been copied and distributed. Copies of the Convention on the Rights of the Child in Khmer, French and English were obtained from UNICEF for the resource room at the Cambodia Office of the Centre for Human Rights.

50. In April, 11,000 human rights posters, 400 colour posters, 1,100 human rights curriculum level "A" (in Khmer) and 300 ABC teaching human rights guides were also distributed to international and local non-governmental organizations. In addition, 40 copies of Dream for Peace, 200 large colour posters and 100 United Nations Educational, Scientific and Cultural Organization (UNESCO) posters have been distributed to the court, prison officials and local non-governmental organizations at the prison training sessions in PJ, Kompong Cham and Takmao prisons.

51. Distributing and cataloguing human rights materials are ongoing tasks of the Cambodia office of the Centre for Human Rights. Materials are constantly being provided to Cambodian non-governmental organizations. A comprehensive package of materials has been provided to the Cambodian Law School. A cataloguing system is being instituted in the resource room at the Cambodia office to facilitate research by visitors.

Resource and video room

52. The resource room and a study/video viewing room have been completed on the premises of the Cambodia Office. United Nations documents have been ordered and photocopies of Khmer documents have been replenished. Announcements about the resource room have been distributed to United Nations agencies, non-governmental organizations and universities.

Translations

53. Translation of the "Guidelines on Criminal Justice" and of the "Manual on Human Rights Reporting" has been completed. The updated version of the publication Compilation of Human Rights Instruments is being finalized. In addition, proceedings and notes from a number of seminars, workshops and other events have been translated and distributed.

Report of the Special Representative of the Secretary-General for human rights in Cambodia

54. The report of the Special Representative of the Secretary-General for human rights in Cambodia has been translated into Khmer and distributed, in English and Khmer, to all ministers and secretaries of State, National Assembly committee chairpersons (and all members of the Commission on Human Rights and Reception of Complaints), the entire diplomatic corps, selected international

non-governmental organizations, most Cambodian human rights non-governmental organizations, heads of all United Nations agencies, all foreign journalists and many Khmer journalists.

Monthly newsletter

55. A monthly newsletter to be published by the Cambodia office of the Centre for Human Rights is being planned. This newsletter would inform Cambodian non-governmental organizations of the Centre's activities, which in turn should build an even closer working relationship between the Centre and non-governmental organizations.

9. Other

56. The Centre for Human Rights has reached an agreement with the United Nations Volunteers for the provision of three volunteers to the Cambodia office. One volunteer assumed his functions in July 1994, while the other two are scheduled to arrive in Cambodia by the end of 1994. The volunteers will be assigned to the provincial network project of the Centre. They will be placed in three Cambodian provinces to carry out educational activities at the provincial level and assist, on request, Cambodian provincial authorities and local branches of non-governmental organizations.

57. In addition to the above-mentioned activities, an important part of the work of the Cambodia office of the Centre for Human Rights had been the provision of continuing support to the Special Representative of the Secretary-General for human rights in Cambodia in the implementation of his mandate. Consistent with the Special Representative's mandate, as defined by the General Assembly and by the Commission on Human Rights, the Cambodia office therefore assists the Special Representative in assessing the human rights situation in Cambodia by providing continuous updated information and advice on national developments relating to human rights issues and in assessing the political developments as they relate to and affect human rights; and coordinates the field missions of the Special Representative and provides logistical and substantive support during the conduct of those missions.

10. Mission of the United Nations High Commissioner
for Human Rights

58. The United Nations High Commissioner for Human Rights, Mr. José Ayala-Lasso, visited Cambodia from 24 to 26 July 1994. The High Commissioner, accompanied by the Special Representative of the Secretary-General for human rights in Cambodia, met with the Cambodian acting Head of State and the First Prime Minister. An unprecedented inter-ministerial meeting, including the Ministers of Information and Justice, the Co-Ministers for Interior and Defence, and a representative of the Minister for Foreign Affairs was organized to discuss human rights issues of common concern to the ministries represented. The High Commissioner discussed the operation of the Cambodia office of the Centre for Human Rights, the technical cooperation programmes being implemented by the Centre with the Government of Cambodia, and the protection of human

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rights in Cambodia, including ensuring guarantees for freedom of expression, the independence of the judiciary, the role of the military in recent cases of human rights violations, the conditions of prisons, and the treatment of ethnic Vietnamese. The High Commissioner also met Cambodian human rights non-governmental organizations, representatives of United Nations agencies in Cambodia, the international and Cambodian press, and staff of the Centre for Human Rights (the programme of the visit of the High Commissioner for Human Rights is contained in annex II).

III. CONCLUSIONS

59. The activities described above are the result of the efforts deployed by the Centre for Human Rights, despite the many administrative and financial problems which have characterized, since its beginning, the operation of its Cambodia office. These problems have hampered up to the time of the preparation of the present report the full realization of the programme of activities of the Centre and the potential impact of the Centre's activities in Cambodia.

60. A principal cause of these problems has been the insufficiency (both in terms of resources allocated and duration in time) of budgets approved by the General Assembly, at the recommendation of the Advisory Committee on Administrative and Budgetary Questions. In each case, the funds allocated and/or the time duration of approved budgets have been grossly inadequate.

61. The Centre for Human Rights was first mandated to establish an operational presence in Cambodia in February 1993 by resolution 1993/6 of the Commission on Human Rights, which was subsequently endorsed by the Economic and Social Council in July 1993 in its decision 1993/254.

62. In order to meet the request of the Commission on Human Rights that an operational presence of the Centre for Human Rights be established after the expiry of the mandate of UNTAC and in order to ensure a smooth transition from UNTAC to the Centre for Human Rights, with no disruption in the implementation of human rights activities in Cambodia, it was necessary for the Centre to establish its office at Phnom Penh on 1 October 1993, immediately after the departure of UNTAC at the end of September 1993.

63. The mandate of the Centre for Human Rights in Cambodia was a new one, and no resources had been appropriated for its implementation in the biennium 1992-1993. Furthermore, the Centre was not in a position to meet the financial requirements entailed by this new mandate within its existing financial resources.

64. Therefore pending the approval by the General Assembly at the end of 1993 of the United Nations regular budget for the biennium 1994-1995, the Centre requested the Advisory Committee on Administrative and Budgetary Questions, in August 1994, to authorize the expenditure of the resources necessary for the implementation in 1993 of the Centre's mandate in Cambodia. The budget necessary to implement the mandate entrusted to the Centre for Human Rights by Commission resolution 1993/6 was estimated by the Centre at \$661,750 for five months. This would cover the salaries of the local and international

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staff, general expenses for the operation of the Cambodia office and travel of the Special Representative of the Secretary-General for human rights in Cambodia.

65. In September 1993, the Advisory Committee authorized the Centre to incur expenditures only up to \$288,000 for the period October to December 1993. This represented a deficit vis-à-vis estimated requirements of over \$36,000 per month.

66. In November 1993, the Centre submitted, through the Office of Programme Planning, Budget and Finance, for approval by the General Assembly at its forty-eighth session, a budget for the entire biennium 1994-1995 in the amount of \$2,781,000. However, in December 1993, the Advisory Committee authorized, pending the submission of a report on the continued human rights presence in Cambodia, a budget covering only the first six months of 1994 in the amount of \$550,000.

67. In May 1994, the Centre submitted to the General Assembly a report on the "Continued United Nations human rights presence in Cambodia" (A/C.5/48/78). In that report, the Centre requested a budget of \$2,384,100 for the period 1994-1995, that is \$1,834,100 in addition to the \$550,000 approved by the Advisory Committee in December 1993.

68. In June 1994, the Advisory Committee recommended to the General Assembly that only an amount of \$1,500,000, inclusive of the \$550,000 already approved, be approved for the financing of human rights activities in Cambodia. In other words, the Advisory Committee recommended a budget corresponding to less than 54 per cent of the budget estimated by the Centre for Human Rights to be necessary for the operation of the office.

69. Nevertheless, on 15 July 1994, the General Assembly authorized the Secretary-General to enter into additional commitments of up to \$1,834,100 for the biennium 1994-1995 for the financing of human rights activities in Cambodia, thus approving the entire budget requested by the Centre.

70. The approval, until July 1994, of successive limited operational budgets prevented the smooth operation of the office, effectively rendering long-term planning impossible. As a result, it was neither possible to provide international staff with contracts of a length corresponding to that of the mandate of the Centre in Cambodia, nor to provide local staff with proper conditions of employment.

71. The approval in July 1994 of a longer term and more sufficiently resourced budget for the operation of the office will facilitate the solution of most of the above-mentioned problems. Additionally, administrative and financial procedures more suitable to the management of a field office have already been established in cooperation with the relevant Secretariat services. The head of the Cambodia office was formally appointed in August 1994. These developments will contribute to the overcoming of management difficulties.

Notes

1/ E/CN.4/1994/73 and Add.1.

ANNEX I

Contributions to the United Nations Fund for a Human Rights Education Programme
in Cambodia, as at 5 September 1994

Government	Amount in local currency	Date pledged	Equivalent US\$	Date paid	Final amount paid in US\$	Outstanding pledge in US\$
Australia	US\$ 35 555	-	35 555	May 1994	35 555	-
Italy	Lit 1 666 666	May 1993	96 532	December 1993	96 532	-
Ireland	£Ir 25 000	February 1994	35 714	March 1994	35 714	-
Japan*	US\$ 197 467	-	197 497	-	197 497	-
Luxembourg	LuxF 550 000	January 1994	15 448	February 1994	15 448	-
(2)	US\$ 15 936	-	15 936	-	15 936	-
Sweden	SKr 2 000 000	March 1994	250 000	-	-	250 000
United States*	US\$ 500 000	-	500 000	1993	500 000	-
UNTAC balance	US\$ 27 015	-	27 015	1993	27 015	-
Total paid			1 173 697		923 697	250 000
Total outstanding pledges						
Totals paid and outstanding pledges						

* Pledge made to UNTAC in 1993.

ANNEX II

Programme of the visit of the United Nations High Commissioner
for Human Rights

24 July 1994

Meeting with Mr. Benny Widiono, Representative of the Secretary-General in Cambodia, and Justice M. Kirby, Special Representative of the Secretary-General for human rights in Cambodia

Meeting with Cambodian human rights organizations

Meeting with staff of the Cambodia office of the Centre for Human Rights

Meeting with Mr. Serge Ducasse, UNHCR representative

25 July 1994

Meeting with H.E. Loy Sim Chheang, Head of State, a.i.

Meeting with H.R.H. Prince Norodom Ranariddh, First Co-Premier

Press conference

26 July 1994

Meeting with representatives of United Nations agencies in Cambodia

Inter-ministerial meeting with the Minister of Information (H.E. Ieng Mouly), Co-Ministers of Interior (H.E. Sar Kheng and H.E. You Hockry), Co-Minister of Defence (H.E. Tea Banh) and representatives from the Ministries of Foreign Affairs and Justice

Press conference
